
TITLE 407 OFFICE OF THE CHILDREN'S HEALTH INSURANCE PROGRAM

Final Rule

LSA Document #08-533(F)

DIGEST

Amends [407 IAC 2-2-2](#) and [407 IAC 2-3-1](#) to add a new group of eligible children whose countable family income exceeds 200% of the federal poverty level using existing income methodologies but does not exceed 250% of the federal income poverty level without application of income disregards and adds two additional eligibility premium cells for the new group of children. Effective 30 days after filing with the Publisher.

[407 IAC 2-2-2](#); [407 IAC 2-3-1](#)

SECTION 1. [407 IAC 2-2-2](#) IS AMENDED TO READ AS FOLLOWS:

[407 IAC 2-2-2](#) IncomeAuthority: [IC 12-17.6-2-11](#)Affected: [IC 12-15-2-14](#); [IC 12-17.6-3-2](#)

Sec. 2. (a) To be eligible to enroll in the program, an applicant must be a member of a family with an annual income of:

- (1) more than one hundred fifty percent (150%); and
 - (2) not more than two hundred **fifty** percent (~~200%~~; **(250%)**);
- of the federal income poverty level.

(b) All income of the following individuals is considered in determining the individual's eligibility, except for the exclusions listed in subsection (d):

- (1) The applicant or member.
- (2) The ~~applicant~~ **applicant's** or member's parents living in the home with the applicant or member unless the applicant or member is married.
- (3) The applicant's or member's spouse.

(c) The amount of countable income shall be computed according to [405 IAC 2-5-1](#).

(d) Any income that would be excluded under the Medicaid program for a child under nineteen (19) years of age described in [IC 12-15-2-14](#) is excluded in determining eligibility for the program. **For families that have an income greater than two hundred percent (200%) of the federal income poverty level, regular income disregards shall not be allowed in determining countable income.**

(Office of the Children's Health Insurance Program; [407 IAC 2-2-2](#); filed May 3, 2000, 2:02 p.m.: 23 IR 2232; readopted filed May 22, 2006, 3:22 p.m.: 29 IR 3424; filed Dec 15, 2008, 11:27 a.m.: [20090114-IR-407080533FRA](#))

SECTION 2. [407 IAC 2-3-1](#) IS AMENDED TO READ AS FOLLOWS:

[407 IAC 2-3-1](#) Responsibility for premium paymentAuthority: [IC 12-17.6-2-11](#)Affected: [IC 12-17.6-3-2](#); [IC 12-17.6-4-3](#)

Sec. 1. (a) In order for an individual to receive benefits under CHIP, the individual's family must pay monthly premiums as described ~~below~~: **as follows**:

Income (as a percentage of federal poverty level)	One child enrolled	Two or more children enrolled
over 150% to 175%	\$22	\$33

over 175% to 200%	\$33	\$50
over 200% to 225%	\$42	\$53
over 225% to 250%	\$53	\$70

For purposes of this section, the family's income includes the income considered in [407 IAC 2-2-2](#).

(b) Premiums must be paid monthly. Partial month payments will not be accepted.

(Office of the Children's Health Insurance Program; [407 IAC 2-3-1](#); filed May 3, 2000, 2:02 p.m.: 23 IR 2233; filed Aug 7, 2002, 9:41 a.m.: 25 IR 4103; errata filed Sep 26, 2002, 11:42 a.m.: 26 IR 383; filed Nov 23, 2005, 11:30 a.m.: 29 IR 1213; readopted filed May 22, 2006, 3:22 p.m.: 29 IR 3424; filed Dec 15, 2008, 11:27 a.m.: [20090114-IR-407080533FRA](#))

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Notice of Intent: [20080702-IR-407080533NIA](#)

Proposed Rule: [20081008-IR-407080533PRA](#)

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